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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------|------------------|
| 10/701,871 | 11/05/2003 | Renfeng Guo | UM-08443 | 6716 |
| 72960 | 7590 | 12/04/2007 | EXAMINER | |
| Casimir Jones, S.C. 440 Science Drive Suite 203 Madison, WI 53711 | | | DEYI, SARVAMANGALA J N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1645 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 12/04/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/701,871

Applicant(s)

GUO ET AL.

Examiner

S. Devi, Ph.D.

Art Unit

1645

All participants (applicant, applicant's representative, PTO personnel):

(1) S. Devi (PTO).

(3) _____

(2) Tanya Arenson.

(4) _____

Date of Interview: 27 November 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Draft amendment sent in by facsimile on 11/19/07 (see attachment).

Claim(s) discussed: Claim 26.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The rejections of record were discussed in light of the proposed draft amendment. The lack of support for 'administering ... under conditions' was discussed. Amendments to claim 26 were suggested that would obviate the rejections of record.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

S. DEVI, PH.D.
PRIMARY EXAMINER

with attachments.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

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CASIMIR JONES s.c.

TO: Examiner Devi
US PTO

FAX NO.: 571-273-0854

FROM: Tanya Arenson, Casimir Jones, s.c.

RE: US Patent Application serial number 10/701,871

DATE: November 19, 2007

TIME: _____

Pages (Including cover): 6

Client Code: UM-08443

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MESSAGE:

Examiner Devi:

Per our phone call this morning, please find attached a DRAFT response to office action for discussion in the above-named matter. I will call you on 11/27/07 at 9AM EST to discuss the response.

Sincerely,
Tanya Arenson



Patent, Trademark and Copyright Attorneys

440 Science Drive, Suite 203 ★ Madison, Wisconsin 53711 ★ T: 608.218.6900 F: 608.218.6910

PATENTAttorney Docket No. **UM-08443****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re Application of: Guo, *et al.*

Serial No.: 10/701,871

Group No.: 1645

Filed: 11/05/2003

Examiner: Devi

Entitled: **Compositions and Methods for the Diagnosis and Treatment of Sepsis****RESPONSE TO OFFICE ACTION MAILED
SEPTEMBER 6, 2007**

EFS Web Filed
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Devi:

This communication is responsive to the Office Action mailed September 6, 2007. The Commissioner is hereby authorized to charge any required fees or credit any overpayments to Attorney Deposit Account No. 50-4302, referencing Attorney Docket No.: UM-08443.

PATENT
Attorney Docket No. **UM-08443**

IN THE CLAIMS:

1-25. (canceled)

26. (currently amended) A method of treating sepsis, comprising

- a) providing a reagent capable of blocking a C5a receptor, wherein said reagent is a monoclonal antibody that specifically binds to said C5a receptor; and
- b) administering said reagent to a subject suffering from sepsis under conditions such that said subject's survival is ~~increased~~ prolonged.

27. (original) The method of claim 26, wherein said administering results in a decrease in symptoms of sepsis in the subject.

28. (canceled)

29. (canceled)

30. (canceled)

PATENT
Attorney Docket No. **UM-08443**

REMARKS

All amendments and cancellation of claims are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),¹ and without waiving the right to prosecute the cancelled claims (or similar claims) in the future.

In the Office Action issued 9/6/07, the Examiner issued several rejections. Each of the rejections is discussed in detail below:

I. The Claims Do Not Contain New Matter

The Examiner rejects Claims 26-27 under 35 U.S.C. 112, first paragraph, as allegedly containing new matter. In particular, the Examiner states "Claim 26, as amended, includes the added limitation: 'under conditions such that said subject's survival is increased'. However, there appears to be no descriptive support in the specification, as originally filed, for this added limitation." and "The specification as filed provides descriptive support for said subject's survival being 'prolonged'." (Office Action, pg. 3). The Applicants respectfully disagree. Nonetheless, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended Claim 26 to recite "wherein said subject's survival is prolonged. The Examiner has indicated that the specification provides disclosure of such embodiments. Further support for this amendment is provided in Figure 5. As such, the Applicants submit that the claims do not comprise new matter and respectfully request that the rejection be withdrawn.

II. The Claims are not Indefinite

The Examiner rejects Claims 26-27 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. In particular, the Examiner states "Claim 26 is vague, indefinite, and confusing in the limitation 'under conditions such that said subject's survival is increased'." (Office

¹ 65 Fed. Reg. 54603 (Sept., 8, 2000).

PATENTAttorney Docket No. **UM-08443**

Action, pg. 4). The Applicants respectfully disagree with the rejection. As described above, the claims have been amended to recite "under conditions such that said subject's survival is prolonged." As such, the Applicants submit that the claims are clear.

III. The Claims are Not Obvious

The Examiner rejects Claims 26-27 under 35 U.S.C. 103 as allegedly being obvious in light of Huber-Lang et al. (FASEB J., 1/19/2001; hereinafter Huber-Lang); Riedemann et al. (J. Clin. Invest. 110:101 (2002); hereinafter Riedemann) in view of Werfel et al. (J. Immunol. 157:1729 (1996); hereinafter Werfel) or Rothermel et al. (Scand. J. Immunol. 52:401 (2000); hereinafter Rothermel) and Behnke et al. (U.S. 5,573,921; hereinafter Behnke). The Examiner states "Instant claims are granted the effective filing date of the instant application, and therefore Riedemann et al. qualifies as prior art..." (Office Action, pg. 4). The Applicants respectfully disagree and note that the presently claimed invention does not contain new matter and is entitled to filing date of 11/5/02. Thus, as indicated in applicants' prior communication, the Reidemann reference is a publication of the Applicants own work published within the year before the filing date of the present invention, and therefore, is not prior art.

Neither Huber-Lang, Rothermel, Behnke nor Werfel, alone or in combination, teach all of the elements of the presently claimed invention as required for a prima facie case of obviousness under 35 U.S.C. 103. In particular, neither Huber-Lang, Werfel, Behnke nor Rothermel, alone or in combination, teach a method of treating sepsis under conditions such that said subjects survival is prolonged. As such, the Applicants respectfully submit that the Examiner has not demonstrated a prima facie case of obviousness and respectfully request that the rejection be withdrawn.

PATENTAttorney Docket No. **UM-08443****CONCLUSION**

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Dated: November 19, 2007

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